

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. – Education (SE) Department – Punishment of removal from service imposed - APAT set aside the punishment of Removal of Sri K.N. Shanth Kumar, Superintendent (Retired) O/o D.G.E., Hyd. – Punishment set-aside - Placed under deemed suspension from the date of removal to the date of retirement i.e., from 27.10.2005 to 30.11.2005 – Disciplinary action continued under Revised Pension Rules, 1980 – Release of subsistence allowance from 27.10.2005 to 30.11.2005, Provisional Pension and permitted to encashment of earned leave - Orders - Issued.

EDUCATION [SE-Vig.I (1)] DEPARTMENT

G.O.Rt.No. 808

Dated: 31.12.2010

Read the following:-

1. From the D.G.E., Hyd., Proc.Rc.No.18/A1-1/2000, dt.19.6.2002 & dt.16.1.2003. (charge memos.)
2. From Sri K.N.Shanth Kumar, Written Statements of Defence, dt.29.6.2002 & 25.1.2003.
3. From the D.G.E., Lr.Rc.No.18/A1-1/2000, dt.27.8.2002.
4. G.O.Rt.No.435 Edn., dt.17.5.2003.
5. Inquiry Report dt.16.2.2005 of Smt.B.M.Kusuma Kumari, J.D.(EE), o/o DSE, Hyd. & Inquiry Officer.
6. From the D.G.E., Hyd., Proc.Rc.No.18/A1-1/2000, dt.27.10.2005. (removal from service)
7. From the APAT, Order dt.12.11.2009 in OA No.8747/2005.
8. G.O.Rt.No.400, Edn [SE-Vig.I(1)] Deptt., dt 16.7.2010
9. Representation of Sri K.N. Shanth Kumar, Supdt (Retd), O/o the DGE, Hyderabad dated 18.9.2010.

ORDER:

In the Proceedings 1st read above, the Director of Government Examinations, Hyderabad, framed charges against Sri K.N.Shantha Kumar, Superintendent, O/o D.G.E., Hyd. After considering the written statements of defence 2nd read above, an Enquiry was conducted and after considering the inquiry report and following the due procedure, the Director of Govt. Examinations has removed Sri K.N.Shanth Kumar from service, vide Proceedings 6th read above. Aggrieved by the said Proceedings, Sri K.N.Shantha Kumar filed O.A. No.8747/2005 in the APAT. His due date of retirement was 30.11.2005.

2. The APAT, in its order dt.12.11.2009 in O.A. No.8747/2005, has ordered that the Enquiry Officer has steeped and traversed beyond the scope of charge and has given report which is not in consonance with the Rule 20 of sub-rule 23(i) of APCS(CC&A) Rules and the entire proceedings are vitiated and in the result the impugned orders are set aside and however left open to the authorities to proceed against the applicant strictly in accordance with rules.

3. After careful examination of the matter, Government vide reference 8th read above, set aside the punishment orders 6th read above and placed Sri K.N.Shanthakumar under deemed suspension from the date of removal to the date of retirement i.e., from 27.10.2005 to 30.11.2005 under Rule 8(4) of A.P.C.S.(CCA) Rules,1991 and to remitted the case to the Inquiring Authority Sri **Janak Raj**, IPS (Retd.), Commissioner of Inquiries for conducting inquiry in accordance with Rules into the charges framed against Sri K.N.Shantha Kumar in the Proceedings 1st read above.

4. In the circumstances, Sri K.N.Shanth Kumar, Superintendent (Retired) O/o Director of Government Examinations, Hyderabad is permitted for (1) encashment of earned leave, (2) subsistence allowance shall be paid to him for the period of deemed suspension from the date of removal to the date of retirement i.e., from 27.10.2005 to 30.11.2005, and (3) sanction is hereby accorded for payment of Provisional Pension @ 75% of normal pension to Sri K.N.Shanth Kumar, Superintendent (Retired) O/o Director of Government Examinations, Hyderabad, as per Rule 52 of A.P. Revised Pension Rules, 1980 without prejudice to the disciplinary action pending against him. The said Provisional Pension is payable from the next date of his retirement i.e., from 01.12.2005.

5. The Director of Government Examinations, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SECRETARY TO GOVERNMENT (SE)

To
The Director of Government Examinations, A.P., Hyderabad
The individual **through** Director of Government Examinations,
A.P., Hyderabad
The Accountant General, A.P., Hyderabad.
Copy to the file.

// FORWARDED :: BY ORDER //

SECTION OFFICER